

CLOSED, SUBMDJ

RECEIVED
U.S. District Court
Northern District of Georgia (Newnan)
2005 MAY -4 A 10:01
CRIMINAL DOCKET FOR CASE #: 3:89-cr-00011-GET-3
Internal Use Only
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case title: USA v. Davidson, et al
Other court case number: 3:99-cv-00112 ND GA, NEWNAN

Date Filed: 11/08/1989

Assigned to: Judge G. Ernest Tidwell

ATTEST: A TRUE COPY
CERTIFIED THIS

Defendant

Willie Joe Tucker (3)
TERMINATED: 10/23/1990

MAY 2 2005
By: Luther D. Thomas, Clerk
Deputy Clerk

Pending Counts

21:846=ND.F CONSPIRACY TO
DISTRIBUTE NARCOTICS
(7)

Disposition

CBOP 210 mos. followed by 5 yrs. Supervised
Release. Dft to pay \$50.00 Special Assessment,
\$5,000.00 Fine. SENTENCE MODIFIED by
Order filed 6/20/01, sentence reduced to CBOP
150 mos. all other conditions of original sentence
remain the same .

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff**USA**

represented by **James W. Kesler**
 Office of United States Attorney
 Northern District of Georgia
 75 Spring Street, S.W.
 600 United States Courthouse
 Atlanta, GA 30303
 404-581-6000
 Email: jim.kesler@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/07/1989		See DEC-10 microfiche docket for previous entries. (yrm) (Entered: 05/04/1992)
11/08/1989	1	INDICTMENT filed. Willie Joe Tucker (3) count(s) 7 (scg) (Entered: 06/21/2001)
10/15/1990		Sentencing as to Willie Joe Tucker before Judge G. E. Tidwell (scg) (Entered: 06/21/2001)
10/23/1990		JUDGMENT AND COMMITMENT Willie Joe Tucker (3) count(s) 7. CBOP 210 mos. followed by 5 yrs. Supervised Release. Dft to pay \$50.00 Special Assessment, \$5,000.00 Fine. Signed by Judge G. E. Tidwell (cc:USA,USM,USPO,PSA,DFT,CNSL,FIN) (scg) (Entered: 06/21/2001)
05/25/1994		FORTHWITH LETTER for Cert. Read from U.S. Court of Appeals regarding ; Appeal record due on 6/11/94 (db) (Entered: 05/31/1994)
07/05/1994	2	ORDER as to defendant Willie Joe Tucker allowing appeal in forma pauperis by Judge G. E. Tidwell. cc (db) (Entered: 07/08/1994)
06/28/1995		Record returned from USCA as to appeal by defendant Willie Joe Tucker. (ab) (Entered: 06/29/1995)
06/28/1995		PSI report as to defendant Willie Joe Tucker RETURNED to USPO. (ab) (Entered: 06/29/1995)
06/28/1995	4	Certified copy of JUDGMENT of USCA AFFIRMING judgment of this court. cc:USA, USM, USPO, PSA & Deft Tucker. (ab) (Entered: 06/29/1995)
06/27/1996		Case terminated. (db) (Entered: 06/27/1996)
08/10/1999	7	MOTION by defendant Willie Joe Tucker to vacate, set aside or correct sentence with brief in support (3:99-cv-112). (scg) (Entered: 08/10/1999)
08/24/1999		SUBMITTED to Judge G. E. Tidwell as to dft Willie Joe Tucker on [7-1] motion to vacate, set aside or correct sentence (scg) (Entered: 08/24/1999)

10/28/1999	9	Motion by USA as to Willie Joe Tucker to dismiss successive motion to vacate, set aside or correct sentence (scg) (Entered: 10/28/1999)
11/12/1999	10	Reply by Willie Joe Tucker to [9-1] motion by Govt to dismiss successive motion to vacate, set aside or correct sentence (scg) (Entered: 11/18/1999)
11/18/1999		SUBMITTED to Judge G. E. Tidwell as to dft Willie Joe Tucker on [9-1] motion by USA to dismiss successive motion to vacate, set aside or correct sentence ***FILE IN CHAMBERS*** (scg) (Entered: 11/18/1999)
02/04/2000	11	ORDER by Judge G. E. Tidwell as to defendant Willie Joe Tucker GRANTING [9-1] motion to dismiss successive motion to vacate, set aside or correct sentence, and DISMING [7-1] motion to vacate, set aside or correct sentence by Willie Joe Tucker. (cc) (ym) (Entered: 02/09/2000)
02/09/2000	12	JUDGMENT ENTERED DISMISSING motion pursuant to 28:2255 to vacate sentence as to defendant Willie Joe Tucker. (cc) (ym) (Entered: 02/09/2000)
02/09/2000		Terminated submissions. (scg) (Entered: 02/16/2000)
02/09/2000		Deadline as to defendant Willie Joe Tucker send file to Records Center on 3/12/00 (scg) (Entered: 02/16/2000)
02/16/2000		(scg) (Entered: 02/16/2000)
04/27/2001	14	Motion by USA as to Willie Joe Tucker for reduction of sentence pursuant to Rule 35(b) (scg) (Entered: 05/02/2001)
05/02/2001		SUBMITTED to Judge G. E. Tidwell as to dft Willie Joe Tucker on [14-1] motion by Govt for reduction of sentence pursuant to Rule 35(b) ***Only motion & docket sheet being sent, file has been transmitted to Federal Records Center*** (scg) (Entered: 05/02/2001)
06/20/2001	15	ORDER by Judge G. E. Tidwell as to dft Willie Joe Tucker GRANTING [14-1] motion by USA for reduction of sentence pursuant to Rule 35(b), the sentence is reduced by 60 mos. to 150 mos., all other conditions of original sentence remain the same. (cc) (scg) (Entered: 06/21/2001)
06/20/2001	15	SENTENCE MODIFIED by Order filed 6/20/01, sentence reduced to CBOP 150 mos. all other conditions of original sentence remain the same. (scg) (Entered: 06/21/2001)
06/21/2001		(scg) (Entered: 06/21/2001)
11/14/2001	16	ORDER by Judge G. E. Tidwell as to dfts Willie Joe Tucker & Melba Roberts, unsealing documents previously filed under seal (cc) (scg) (Entered: 11/14/2001)
11/26/2003	21	Order directing Clerk to administratively close all pending counts in cases listed in Exh. A to this order. The U.S. Attorney shall show cause why these counts should not be dismissed with prejudice by 3/1/04. See 1:-04-mi-53 for order and exhibit entered by Judge J. Owen Forrester. (cvga) (Entered: 06/05/2004)
02/26/2004	22	Motion for extension of time by U.S. Attorney to reply to order dated

		11/26/2003. (cvga) (Entered: 06/05/2004)
02/26/2004	23	Order granting motion for extension of time. Reply due 04/01/2004. Entered by Judge Orinda D. Evans. (cvga) (Entered: 06/05/2004)
02/27/2004	<u>20</u>	MOTION by Willie Joe Tucker to terminate supervised release with brief in support. (bsm) (Entered: 03/05/2004)
03/05/2004		SUBMITTED to Judge G. E. Tidwell as to Willie Joe Tucker on [20-1] motion to terminate supervised release (bsm) (Entered: 03/05/2004)
03/29/2004	24	Response by USA to [21-1] order, Count 7 as to Willie Joe Tucker should not be dismissed. (see 1:04-mi-53 for original response) (scg) Modified on 06/10/2004 (Entered: 06/10/2004)
05/03/2004	25	ORDER by Judge Orinda D. Evans as to Willie Joe Tucker, Count 7 should not be dismissed . (See 1:04-mi-53 for original order) (scg) (Entered: 06/10/2004)

3:CR-89-00011-03

3:CR-89-00011-03

US-V-DAVIDSON

as of 08/30/92 at 11:04 AM

RECEIVED

2005 MAY -4 A 10: 01

Case Filed: 11/08/89

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ATTEST: A TRUE COPY
CERTIFIED THIS

MAY 2 2005
Luther D. Thomas, Clerk
By: Deputy Clerk

Judge: JUDGE TIDWELL

Defendant:

D3 TUCKER, WILLIE JOE

Dft ID: -11461

Defendant terminated: 10/16/90

Terminated counts:

Narcotics-Heroin/Cocaine:
Heroin/Cocaine-Distribution,
21:846 (5), Narcotics-
Heroin/Cocaine:
Heroin/Cocaine-Distribution,
21:841 (6)

Disposition

(Counts 5-6) Dismissed on
govt's motion. 10/16/90

Narcotics-Heroin/Cocaine:
Heroin/Cocaine-Distribution,
21:846 (2), Narcotics-
Heroin/Cocaine:
Heroin/Cocaine-Distribution,
21:846 (7)

(Counts 2,7) IMPR 210 mos Cts
2 & 7, FINE \$5000.00
(10/16/90)

Offense Level (disposition): FEL

Total Jail: 210 Mo Total Fine: \$5,000.00

U S Attorneys:

KESLER, JAMES W
221-6488

.....
FINAL COURTRAN CRIMINAL DOCKEGA-N(NEWNAN) 09/04/92

3:CR-89-00011-03

3:CR-89-00011-03

US-V-DAVIDSON

PROCEEDINGS

11/08/89 Filed indictment (Eleven Ct Indictment (11). Status sheet,
 filed.) (Dkt'd 11/28/89).
 Arrest warrant issued (Praecipe, filed. Warrant issued &
 del USM.) (Dkt'd 11/28/89).
 Motion by government filed (MOT#3) (to seal.) (Dkt'd
 11/28/89).
 US Attorney GILLEN, CRAIG A added to case (Dkt'd 11/28/89).

 Order filed (appointing Federal Defender Program for
 initial appearance only.) (Magistrate Feldman) (Dkt'd
 11/28/89).

11/09/89 Order filed (of temporary detention pending hearing
 pursuant to bail reform act. Hearing set for 11/15/89 @
 10:00 AM) (Magistrate Feldman) (Dkt'd 11/30/89).

Defendant arrested (Dkt'd 11/28/89).
 Bail hearing held (Hearing scheduled for 11/15/89 @ 10:00 AM) (Magistrate Feldman) (Dkt'd 11/28/89).
 Defendant's first appearance (Magistrate Feldman) (Dkt'd 11/28/89).
 Excludable delay due to hearings on Pretrial Motions began on 11/09/89 and ended on 11/09/89 (RE bndhrgh & dftfstapr) (Dkt'd 11/28/89).

11/15/89 Arraignment held (Counts 2,5-7) (Magistrate Feldman) (Dkt'd 11/29/89).
 Defendant enters plea of not guilty (Counts 2,5-7) (Magistrate Feldman) (Dkt'd 11/29/89).
 Excludable delay due to hearings on Pretrial Motions began on 11/15/89 and ended on 11/15/89 (RE arrh) (Dkt'd 11/29/89).

11/17/89 Order filed (that Financial Affidavit be put under SEAL.) (Magistrate Feldman) (Dkt'd 11/29/89).
 Filed warrant of arrest executed by arrest on 11/09/89 (Dkt'd 12/01/89).

11/27/89 Filed personal appearance bond in the amount of \$75,000.00 (Magistrate Feldman) (Dkt'd 12/01/89).

11/29/89 Mark the beginning of a potential excludable period of type X-E starting on 11/29/89 and not to extend beyond 11/29/89 ((In re MOTFXT on 11/29/89)) (Dkt'd 12/01/89).

11/30/89 Case assigned to JUDGE TIDWELL (Dkt'd 12/08/89).

12/07/89 Mark the beginning of a potential excludable period of type X-E starting on 12/07/89 and not to extend beyond 01/05/90 ((In re MOTF DFT # 9 on 12/7/89)) (Dkt'd 12/11/89).

FINAL COURTRAN CRIMINAL DOCKEGA-N(NEWNAN) 09/04/92

PAGE 3

3:CR-89-00011-03

3:CR-89-00011-03

US-V-DAVIDSON

PROCEEDINGS

12/12/89 Motion (pre-trial motion) filed (MOT#17) (Counts 2,5-7) (for discovery w/brief.) (Dkt'd 12/14/89).
 Motion (pre-trial motion) filed (MOT#18) (Counts 2,5-7) (to allow participation in Voir Dire w/brief.) (Dkt'd 12/14/89).
 Motion (pre-trial motion) filed (MOT#19) (Counts 2,5-7) (for information regarding prior bad acts of dft or any co-dft w/brief.) (Dkt'd 12/14/89).
 Motion (pre-trial motion) filed (MOT#20) (Counts 2,5-7) (for additional preemptory challenges w/brief.) (Dkt'd 12/14/89).
 Mark the beginning of a potential excludable period of type X-E starting on 12/12/89 and not to extend beyond 01/10/90 ((In re MOTF DFT #3 on 12/12/89)) (Dkt'd 12/14/89).

12/14/89 Mark the beginning of a potential excludable period of type X-E starting on 12/14/89 and not to extend beyond 01/12/90 ((In re MOTFPM DFT # 7 on 12/14/89)) (Dkt'd 12/21/89).

12/15/89 Motion (pre-trial motion) filed (MOT#22) (Counts 2,5-7) (Dkt'd 12/21/89).
 Mark the beginning of a potential excludable period of type X-E starting on 12/15/89 and not to extend beyond 01/13/90 ((In re MOTFPM DFT #3 on 12/15/89)) (Dkt'd 12/21/89).

12/18/89 Mark the beginning of a potential excludable period of type
X-E starting on 12/18/89 and not to extend beyond 01/16/90
((In re MOTF DFT #1 on 12/18/89)) (Dkt'd 12/28/89).

01/11/90 US Attorney GILLEN, CRAIG A deleted from case (Dkt'd
01/19/90).
US Attorney KESLER, JAMES W added to case (Dkt'd 01/19/90).

01/17/90 Mark the beginning of a potential excludable period of type
X-E starting on 01/17/90 and not to extend beyond 02/15/90
((In re MOTFSE,DD RE DFT #1 on 1/17/90)) (Dkt'd 01/23/90).
Mark the beginning of a potential excludable period of type
X-E starting on 01/17/90 and not to extend beyond 02/15/90
((In re MOTFLW,PM,SE,DI,LI RE DFT #5 on 1/17/90)) (Dkt'd
01/23/90).

01/29/90 Motion for continuance filed (MOT#64) (by Govt.) (Dkt'd
02/01/90).
Mark the beginning of a potential excludable period of type
X-E starting on 01/26/90 and not to extend beyond 02/24/90
((In re RE MOTF DFT # 1 on 1/26/90)) (Dkt'd 02/01/90).
Mark the beginning of a potential excludable period of type
X-E starting on 01/22/90 and not to extend beyond 02/20/90

FINAL COURTRAN CRIMINAL DOCKEGA-N(NEWNAN) 09/04/92

3:CR-89-00011-03

3:CR-89-00011-03

PAGE 4

US-V-DAVIDSON

PROCEEDINGS

((In re MOTF DFT #2 on 1/22/90)) (Dkt'd 02/01/90).
Mark the beginning of a potential excludable period of type
X-E starting on 01/25/90 and not to extend beyond 02/23/90
((In re MOTF DFT # 7 on 1/25/90)) (Dkt'd 02/01/90).
Mark the beginning of a potential excludable period of type
X-E starting on 01/29/90 and not to extend beyond 02/27/90
((In re MOTFCO on 1/29/90)) (Dkt'd 02/01/90).

02/01/90 Order filed (outline discovery, etc., hearing set for
2/8/90 at 1:30 PM, DENYING Govt's motinfor lis pendins.)
(Magistrate Strother) (Dkt'd 03/22/90).
Motion (pre-trial motion) granted in part: denied in part
(MOT#17) (JUDGE TIDWELL) (Dkt'd 03/22/90).
- (MOT#'s 18,19,20,22) (motions deferred. Response of Govt
to dft's motion for notice by U S of intention to use
eivdence arguably.) (Dkt'd 03/22/90).

02/21/90 Order filed (setting hearing for 2/22/90 at 10:00 AM)
(Magistrate Strother) (Dkt'd 03/22/90).

03/20/90 Order filed (granting continuance of trial til 7/9/90 @9:30
AM) (JUDGE TIDWELL) (Dkt'd 03/28/90).
Trial date set for 07/09/90 @ 9:30 AM (Counts 2,5-7) (JUDGE
TIDWELL) (Dkt'd 03/28/90).

03/29/90 - Court took Mag's R & R under advisement. Court directed U
S to supply dft Davidson a bill of particulars within 20
days. (Dkt'd 04/10/90).

04/05/90 Order filed (adopting the Mag's R & R as Order of this
Court.) (JUDGE TIDWELL) (Dkt'd 04/25/90).

07/06/90 Motion to change plea and order allowing same filed (Counts

2,7) (JUDGE TIDWELL) (Dkt'd 11/15/90).
Defendant enters plea of guilty (Counts 2,7) (with
negotiated plea.) (JUDGE TIDWELL) (Dkt'd 11/15/90).
Sentencing set for 10/15/90 @ 2:30 PM (Counts 2,7) (JUDGE
TIDWELL) (Dkt'd 11/15/90).
Notice of sentencing date sent (Counts 2,7) (served by Ctrm
deputy.) (Dkt'd 11/15/90).

07/13/90 Excludable delay due to hearings on Pretrial Motions began
on 11/29/89 and ended on 02/01/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 12/07/89 and ended on 03/29/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 12/12/89 and ended on 02/01/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 12/14/89 and ended on 03/29/90 (Dkt'd 07/23/90).

FINAL COURTRAN CRIMINAL DOCKEGA-N(NEWNAN) 09/04/92

PAGE 5

3:CR-89-00011-03

3:CR-89-00011-03

US-V-DAVIDSON

PROCEEDINGS

Excludable delay due to hearings on Pretrial Motions began
on 12/15/89 and ended on 02/01/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 12/18/89 and ended on 02/01/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 01/17/90 and ended on 02/13/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 01/17/90 and ended on 03/29/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 01/22/90 and ended on 02/01/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 01/25/90 and ended on 02/23/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 01/26/90 and ended on 03/05/90 (Dkt'd 07/23/90).
Excludable delay due to hearings on Pretrial Motions began
on 01/29/90 and ended on 07/09/90 (Dkt'd 07/23/90).

08/16/90 Motion filed (MOT#95) (for copy of transcript of selected
portions of trial testimony by dft.) (Dkt'd 08/30/90).

08/28/90 Submitted to JUDGE TIDWELL on motion (MOT#95) (Dkt'd
08/30/90).

09/10/90 Motion granted (MOT#95) (granting dft copy of selected
protions of trial transcript.) (JUDGE TIDWELL) (Dkt'd
11/15/90).

09/18/90 Motion by government filed (MOT#102) (for revocation of
release and Order granting same, dircting Clerk to issue
warrant.) (JUDGE TIDWELL) (Dkt'd 11/15/90).
Arrest warrant issued (delivered to USM.) (Dkt'd 11/15/90).

10/02/90 - application for writ habeas Corpus Ad Pros, Writ issued.
(Dkt'd 11/15/90).

10/09/90 Filed transcript of proceedings for 07/05/90 (JUDGE
TIDWELL) (Dkt'd 11/15/90).

10/16/90 - CJA 24 for transcripts in the amount of \$448.50 with
approval. (JUDGE TIDWELL) (Dkt'd 11/15/90).
Dismissed on government's motion (Counts 5-6) (JUDGE

TIDWELL) (Dkt'd 11/15/90).
Sentencing of defendant (Counts 2,7) (IMPR 210 mos Cts 2 &
7, FINE \$5000.00 5 yrs Supervised Release, Special
Assessment \$100.00) (JUDGE TIDWELL) (Dkt'd 11/15/90).
Issued judgment and commitment to U.S. Marshal (Counts 2,7)
(JUDGE TIDWELL) (Dkt'd 11/15/90).

FINAL COURTRAN CRIMINAL DOCKEGA-N(NEWNAN) 09/04/92
3:CR-89-00011-03
US-V-DAVIDSON
PROCEEDINGS

- 10/23/90 Filed notice of appeal (Counts 2,7) (APPL#1) (copy to USCA
w/dkt & J & C (fee dp) (ack 90-8993)) (Dkt'd 11/15/90).
- 11/20/90 - Marshal's return of service on arrest warrant no date in
entry. (Dkt'd 05/02/91).
- 12/11/90 - (APPL#1) (Letter from USCA re transcript.) (Dkt'd
05/02/91).
- 01/10/91 Motion filed (MOT#105) (to ext time for filing motion
pursuant to Rule 35 (to GET)) (Dkt'd 05/02/91).
- 01/17/91 Motion granted (MOT#105) (JUDGE TIDWELL) (Dkt'd 05/02/91).
- 02/06/91 Filed transcript of proceedings for 10/15/90 (JUDGE
TIDWELL) (Dkt'd 05/02/91).
- 04/05/91 Order filed (upon consent for USAtty to remove original
file from office for preparation of record on appeal. Orig
file released to Jim Kessler AUSA.) (JUDGE TIDWELL) (Dkt'd
05/02/91).
- 04/15/91 - Addendum to Govt's motion for leave to file dismissal and
ORDER that upon motion of Govt that Cts 2,,6 (previously
dismissed) are granted. (JUDGE TIDWELL) (Dkt'd 05/02/91).

.....
End of docket